

### III. REMARKS

1. Claims 1-13, 15, 17-28, 30, and 32-33 remain in the application. Claims 14, 16, 29, and 31 have been cancelled without prejudice. Claims 34-41 are new. Claims 1-13, 15, 17-19, 25-28, 30, 32, and 33 have been amended.

2. Applicants respectfully submit that claims 1-13, 15, 17-28, 30, and 32-33 are not anticipated by Matthews et al. (US 2004/0216054, "Matthews") under 35 USC 102(e).

Matthews fails to disclose or suggest:

associating a first location with a first plurality of operating characteristics and a modified menu structure;

adopting the first plurality of operating characteristics and the modified menu structure when the apparatus is at the first location; and

controlling the operation of the apparatus at least partially in accordance with the adopted operating characteristics and the modified menu structure,

as substantially recited by claims 1 and 13.

Mathews fails to disclose or suggest associating a location with a modified menu structure for an apparatus, and adopting the modified menu structure in the apparatus when the apparatus is at the location.

Mathews describes a communication device with a customizable skin and theme. However there is no indication that Mathews adopts a modified menu structure based on the location of the communication device. None of the skin or theme types include a modified menu structure. Figure 3, described in paragraph [0024] shows a generic application that may generate an iconic main menu 82, which in turn may create a theme formatter 83 if a dialog type has an associated theme. If so, the theme is used

for "given associated events." However, there is no suggestion of modifying a menu structure based on a location of the device.

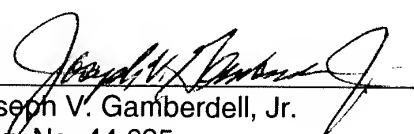
Claims 17, 28, 32, and 33 are directed to similar subject matter.

At least for these reasons, Applicants submit that Matthews does not anticipate independent claims 1, 13, 17, 28, 32, and 33 and dependent claims 2-12, 15, 18-27, and 30.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Joseph V. Gambardell, Jr.  
Reg. No. 44,695

  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512